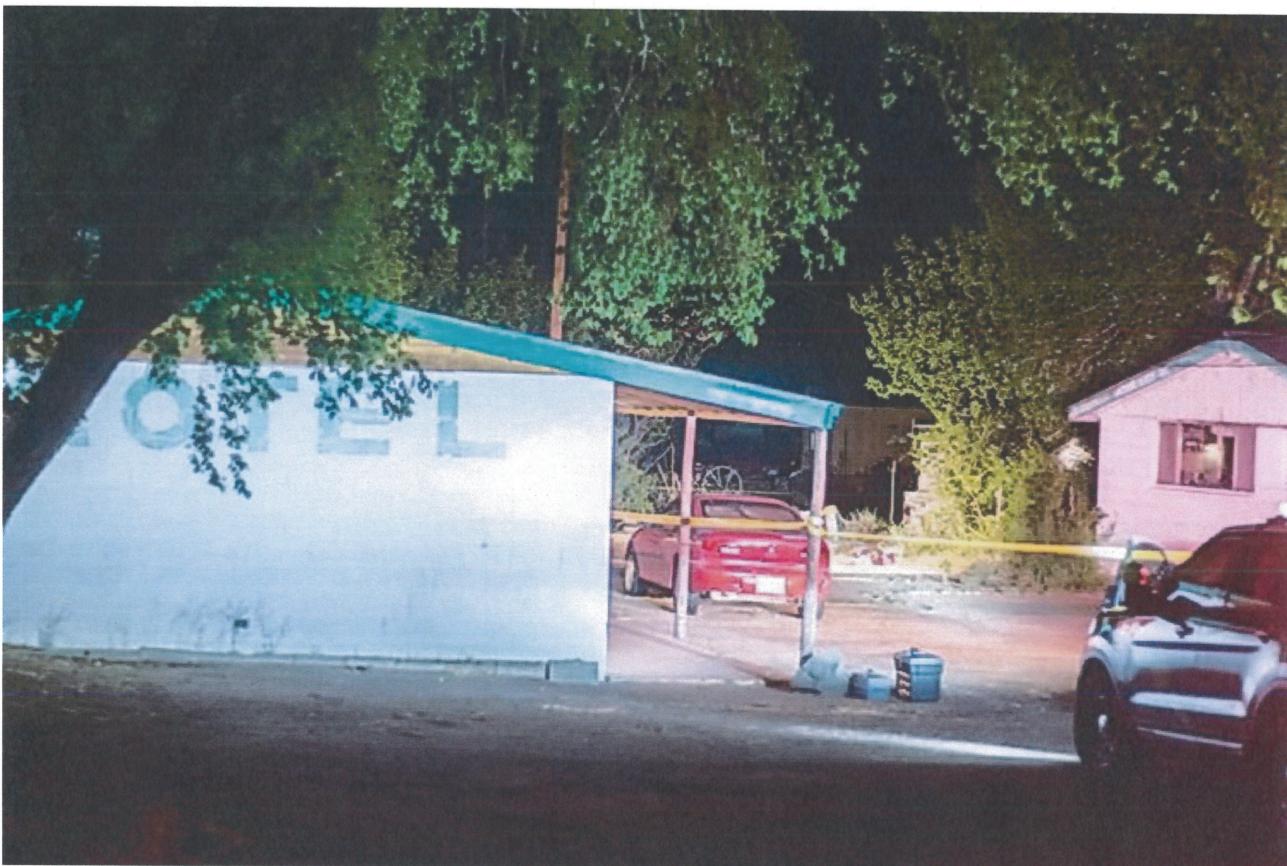


http://www.riograndesun.com/news/woman-shot-killed-at-local-motel/article_76d5fc04-53de-11e8-8704-9fd3c12c94fb.html

Woman Shot, Killed at Local Motel

By Wheeler Cowperthwaite SUN Staff Writer May 10, 2018



A police car shines light on the body of 36-year-old Maria Gallegos of Santa Clara, May 5, after the manager of the Western Winds Motel allegedly shot her twice in the head. The Federal Bureau of Investigations charged him with murder.

(SUNfoto by Wheeler Cowperthwaite)

The Federal Bureau of Investigations charged a 68-year-old Española man, Tuesday, with second-degree murder after he allegedly shot a Santa Clara woman twice in the head, May 5.

DEFENDANT'S
EXHIBIT

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Española Police Det. Byron Abeyta initially arrested Douglas Smith on a charge of second-degree murder, following the shooting off Riverside Drive, but prosecutors with the First Judicial District Attorney's Office dismissed the charges on Monday, pending a grand jury indictment.

On Monday, Española Police Chief Louis Carlos wrote in a press release that the FBI "adopted" the case because the victim, Maria Gallegos, 36, is a Santa Clara tribal member, although he withheld her name.

The Western Winds Motel, that Smith operated and where Gallegos died, is within the exterior boundaries of the Santa Clara Pueblo, which gives the FBI jurisdiction over the case.

On Tuesday, federal Magistrate Court Judge Steven Yarbrough arraigned Smith on the murder charge, according to federal court records.

The incident

According to E-911 Dispatch Center logs, Smith immediately began telling dispatchers what happened.

"(Woman), not (conscious) breathing shot by caller 10-7 (advised) of a lot of break ins," the E-911 Dispatch Center logs state.

In police code, 10-7 often means deceased.

Smith called 911 at 1:17 a.m. and Española Police Officer Albert Rael declared the scene was secure at 1:27 a.m., the logs state.

"Moses from NMSP advised NMSP will be assisting," the logs state.

Two Española Police officers and two State Police officers initially responded to the call and Española Police Officer Albert Rael immediately asked dispatchers to call Abeyta, the on-call detective, to investigate.

When he arrived, he found Gallegos had a bullet wound between her eyebrows and another in her forehead.

Rael told the detective he found a bag of .22-caliber ammunition on Smith and Abeyta found the gun near a camper trailer behind the motel.

"I located 4 spent .22LR casings near a cement slab on the back porch closest to the residence," Abeyta wrote.

According to the logs, Smith immediately told dispatchers that there had been a lot of break-ins.

"Caller (advised) saw shadow and shot," the logs state.

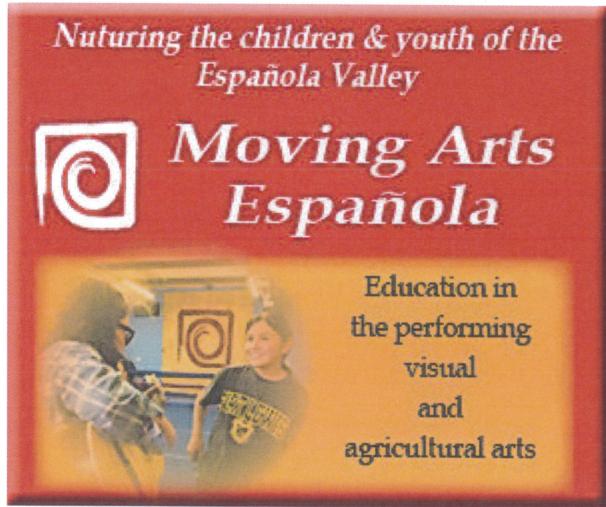
Smith told Abeyta that he had problems with burglaries and people stealing from his yard in the past and he also has problems with raccoons in his yard.

He allegedly told the detective that he set up three motion sensors in his yard that ring him when there is movement.

"Mr. Smith stated that his motion sensors went off twice before the incident approximately an hour apart," he wrote. "Mr. Smith stated he takes a pistol with him when he exits the house at night. Mr. Smith stated he didn't locate anything on the (first) two checks."

Smith allegedly said he was lying in bed when the alarm went off a third time, so he put on his shoes and jacket and went outside.

"Mr. Smith stated that he stepped onto his porch thinking it was raccoons and observed the shadow of a person attempting to hide behind the bushes and staring at him near the door of his mother's camper trailer," Abeyta wrote. "Mr. Smith stated that he was scared and began shooting toward the left of the camper from the porch."



The shadow ran to the left after the first shot.

"Mr. Smith stated that he continued to shoot in the same general direction to scare off the person as he has done before," Abeyta wrote.

He then tried to reload his .22-caliber pistol, but found he was "too shaken up" to reload. Once he did, he began to search the area and found Gallegos's body on the ground.

"Mr. Smith stated that the neighbor opened her door and he told her that he just shot someone," Abeyta wrote. "The neighbor then advised him to contact the police so he called 911."

Dispatchers told Smith to put the gun away and he did.

"Smith was detained without incident by Officer Albert Rael," he wrote.

FBI Agent Travis Taylor wrote, in an affidavit for an arrest warrant, that Abeyta's police report stated there were no weapons or burglary tools located near Gallegos's body.

On Monday, he then took Smith into federal custody and, with another agent, interviewed him.

"During the interview, SMITH re-iterated what he had told EPD Detective Abeyta, and added that he has in the past fired warning shots at trespassers on his property," Taylor wrote. "SMITH drew a picture of the property outlining where he was and where Jane Doe was when he began shooting. SMITH indicated that when he first saw Jane Doe, she made no moves towards him nor did he see anything in her hands."

On Tuesday, two men were removing items from the back of the Western Winds Motel Office and placing them in the back of a truck. An older man said he had no comment and did not identify himself.

No one answered the room doors at the motel and a small note was pasted above the door bell to the front office, stating there are no rooms available.

